

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLINTON WADE LAMERE,

Defendant.

CR-03-81-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on January 16, 2019, and February 6, 2019. (Docs. 126, 131.) The United States accused Defendant Clinton Wade Lamere of violating his conditions of supervised release by: 1) failing to notify his probation officer of a change in residence; 2) failing to report for substance abuse testing; and 3) failing to report for sex offender treatment. (Doc. 123 at 3.) Lamere admitted to violations numbers two and three. (Doc. 132 at 2-3.) The government made no attempt to prove that Lamere violated condition number one. *Id.* at 3.

Judge Johnston entered Findings and Recommendations on February 7, 2019. (Doc. 132.) Judge Johnston recommended that the Court revoke Lamere's supervised release. *Id.* at 3. Judge Johnston recommended that the Court commit

Lamere to the custody of the Bureau of Prisons for period of 5 months with no term of supervised release to follow. *Id.*

Lamere waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Lamere's violations represent a serious breach of the Court's trust. A custodial sentence of 5 months with no term of supervised release to follow, is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 132) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Clinton Wade Lamere is sentenced to 5 months in custody with no term of supervised release to follow.

DATED this 28th day of February, 2019.



Brian Morris
United States District Court Judge